

Notice of Allowability

Application No.

09/659,264

Examiner

John M. Winter

Applicant(s)

JOAO, RAYMOND ANTHONY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the paper filed on July 1, 2006.
2. ☒ The allowed claim(s) is/are 129,131,132 and 138-179.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Ray Joao on March 29, 2007.

The application has been amended as follows:

Claim 129.

A computer-implemented method, comprising:
receiving a request to receive or pick-up, at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, ~~at a retail facility or a store pursuant to a subscription~~; processing information regarding the request with a processing device, wherein the processing device determines whether the subscription is active or not active or determines whether any issue or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the subscription; and transmitting a message in response to the request, wherein the message contains an authorization or a denial of the request, and further wherein the message is transmitted to a point-of-sale transaction device located at the retail facility or the store.

Claim 131.

A computer-implemented method, comprising:
processing a request to create or initiate a subscription which allows for printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up at a retail facility or a store or to be received at a retail facility or a store or at another retail facility or another store, wherein the request is transmitted from a communication device or from a transaction device associated with the retail facility or the store, wherein the request contains information regarding a specified number of printed issues of the at least one of a periodical, a newspaper, and a magazine, to be picked-up or received at the retail facility or the store or at another retail facility or another store in or during a specified time period, wherein one or more of the printed issues can be skipped or foregone in or during the specified time period while ensuring that a subscriber is able to pick-up or receive all of the specified number of the printed issues at the retail facility or the store or at another retail facility or another store in or during the specified time period, wherein the request is processed with a processing device; creating or initiating a subscription in response to the request; and transmitting a message to the communication device or to the transaction device associated with the retail facility or the store, wherein the message contains information regarding the subscription which was created or initiated.

Claim 132.

A computer-implemented method, comprising:

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processing a request to create or initiate a subscription which allows for printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up at a retail facility or a store, or to be received at a retail facility or a store, wherein the request is transmitted from a communication device or from a transaction device associated with a retail facility or a store, wherein the request contains information regarding a specified number of printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up or received in or during a specified time period, and a retail facility or a store from which the printed issues can be picked-up or received, wherein the request is processed with a processing device; creating or initiating the a subscription in response to the request; and transmitting a message to the communication device or to the transaction device associated with the retail facility or the store, wherein the message contains information regarding the subscription which was created or initiated.

Claim 175.

A computer-implemented method, comprising:

inputting or entering information regarding a request to receive or pick-up, at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, ~~at a retail facility or a store pursuant to a subscription~~, wherein the subscription is an existing subscription, and further wherein the information is input or entered into a point-of-sale transaction device located at the retail facility or the store; generating a request to receive or pick-up a printed issue of at least one of a periodical, a newspaper, and a magazine, at the retail facility or the store pursuant to the subscription; transmitting the request to a processing device; receiving the request, wherein the processing device receives the request; processing the information regarding the request with the processing device, wherein the processing device determines whether the subscription is active or not active or determines whether any issue or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the subscription; transmitting a message in response to the request, wherein the message contains an authorization or a denial of the request, and further wherein the message is transmitted to the point-of-sale transaction device; and providing information contained in the response via the point-of-sale transaction device.

Claim 176.

A computer-implemented method, comprising:

receiving a first request to receive or pick-up, at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, ~~at a retail facility or a store pursuant to a first subscription~~; processing information regarding the first request with a processing device, wherein the processing device determines whether the first subscription is active or not active or determines whether any issue or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the first subscription; transmitting a first message in response to the first request, wherein the first message contains an authorization or a denial of the first request, and further wherein the first message is transmitted to a first point-of-sale transaction device located at the retail facility or the store; receiving a second request to receive or pick-up a ticket or tickets to at least one of a sporting event, an entertainment event, a movie, a show, and a theater performance, at the retail facility or the store pursuant to a second subscription;

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processing information regarding the second request; determining whether the second subscription is active or not active or determining whether any ticket or any tickets remain to be fulfilled pursuant to the second subscription; and transmitting a second message in response to the second request, wherein the second message contains information regarding an authorization or a denial of the second request, and further wherein the second message is transmitted to the first point-of-sale transaction device or to a second point-of-sale transaction device located at the retail facility or the store.

Claim 177.

A computer-implemented method, comprising:
receiving a first request to receive or pick-up, at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, ~~at a retail facility or a store pursuant to a first subscription~~; processing information regarding the first request with a processing device, wherein the processing device determines whether the first subscription is active or not active or determines whether any issue or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the first subscription; transmitting a first message in response to the first request, wherein the first message contains an authorization or a denial of the first request, and further wherein the first message is transmitted to a first point-of-sale transaction device located at the retail facility or the store; receiving a second request to receive or pick-up at least one of a good or a service at the retail facility or the store pursuant to a second subscription; processing information regarding the second request; determining whether the second subscription is active or not active or determining whether any good or service or any goods or services remain to be fulfilled pursuant to the second subscription; and transmitting a second message in response to the second request, wherein the second message contains information regarding an authorization or a denial of the second request, and further wherein the second message is transmitted to the first point-of-sale transaction device or to a second point-of-sale transaction device located at the retail facility or the store.

Claim 178.

A computer-implemented method, comprising:
processing a request to create or initiate a subscription which allows for printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up at a retail facility or a store or to be received at a retail facility or a store or at another retail facility or another store, wherein the request is transmitted from a communication device or from a transaction device associated with the retail facility or the store, wherein the request contains information regarding a specified number of printed issues of the at least one of a periodical, a newspaper, and a magazine, to be picked-up or received at the retail facility or the store or at another retail facility or another store in or during a specified time period, wherein one or more of the printed issues can be skipped or foregone in or during the specified time period while ensuring that a subscriber is able to pick-up or receive all of the specified number of the printed issues at the retail facility or the store or at another retail facility or another store in or during the specified time period, wherein the request is processed with a processing device; creating or initiating a subscription in response to the request; and transmitting a message to the communication device or to the transaction device associated with the retail facility or the store, wherein the message contains information

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regarding the subscription which was created or initiated and an authorization to allow for a first printed issue of the at least one of a periodical, a newspaper, and a magazine, to be picked-up or received at the retail facility or the store pursuant to the subscription which was created or initiated.

Claim 179.

A computer-implemented method, comprising:
processing a request to create or initiate a subscription which allows for printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up at a retail facility or a store or to be received at a retail facility or a store, wherein the request is transmitted from a communication device or from a transaction device associated with a retail facility or a store, wherein the request contains information regarding a specified number of printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up or received in or during a specified time period, and a retail facility or a store from which the printed issues can be picked-up or received, wherein the request is processed with a processing device; creating or initiating a subscription in response to the request; and transmitting a message to the communication device or to the transaction device associated with the retail facility or the store, wherein the message contains information regarding the subscription which was created or initiated and an authorization to allow for a first printed issue of the at least one of a periodical, a newspaper, and a magazine, to be picked-up or received at the retail facility or the store pursuant to the subscription which was created or initiated.

Allowable Subject Matter

Claims 129, 131, 132 and 138-179 are allowed over the prior art record.

The following is an examiner's statement of reasons for allowance:

The closest prior art of record Loeb et al (US Patent 2001/0051897) teaches a method for qualifying consumers for trade publication subscription. [Http://www.icle.org/agreement/online_books.pdf](http://www.icle.org/agreement/online_books.pdf) teaches an online subscription service

What they fail to teach or suggest:

As per claims 129 and 175-177

none of the art of record, taken individually or combination disclose at least the steps/components of :

receiving a request to receive or pick-up, at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, processing information regarding the request with a processing device, wherein the processing device determines whether the subscription is active or not active or determines whether any issue

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or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the subscription;

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of ¶ at a retail facility or a store pursuant to a subscription, a printed issue of at least one of a periodical, a newspaper, and a magazine, processing information regarding the request with a processing device, wherein the processing device determines whether the subscription is active or not active or determines whether any issue or any issues of the at least one of a periodical, a newspaper, and a magazine, remain to be fulfilled pursuant to the subscription” is not a feature normally associated with subscription methods and therefore would have to be disclosed by art unrelated to subscription systems.

Claims 138-153 are dependant upon claim 129 and are therefore allowable for at least the same reasons.

As per claims 131, 132, 178 and 179

none of the art of record, taken individually or combination disclose at least the steps/components of :

processing a request to create or initiate a subscription which allows for printed issues of at least one of a periodical, a newspaper, and a magazine, to be picked-up at a retail facility or a store or to be received at a retail facility or a store or at another retail facility or another store, wherein the request is transmitted from a communication device or from a transaction device associated with the retail facility or the store, wherein the request contains information regarding a specified number of printed issues of the at least one of a periodical, a newspaper, and a magazine.

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of ¶ to be picked-up at a retail facility or a store or to be received at a retail facility or a store or at another retail facility or another store, wherein the request is transmitted from a communication device or from a transaction device associated with the retail facility or the store, wherein the request contains information regarding a specified number of printed issues of the at least one of a periodical, a newspaper, and a magazine.is not a feature normally associated with subscription methods and therefore would have to be disclosed by art unrelated to subscription systems.

Claims 154-174 are dependant upon claims 131 and 132 respectively and are therefore allowable for at least the same reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John Winter
Patent Examiner -- 3621

KAMBIZ ABDI
PRIMARY EXAMINER

